

Attorney's Docket No. DII-051

**PATENT**

Applicant or Patentee: Christopher J. Rixon, et al.

Serial or Patent No. 0 / \_\_\_\_\_

Filed or Issued: \_\_\_\_\_

For: Electronic Adjustable Pedal Assembly

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY  
STATUS (37 CFR 1.9(f) and 1.27(c))—SMALL BUSINESS CONCERN**

I hereby declare that I am

- ☐ the owner of the small business concern identified below:
- ☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN Comfort Pedals, Inc.

ADDRESS OF CONCERN 21535 Hoover Road

Warren, Michigan 48089-3159

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third-party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed, to and remain with the small business concern identified above with regard to the invention, entitled

Electronic Adjustable Pedal Assembly

by inventor(s) Christopher J. Rixon and Christopher Bortolon

described in

- ☒ the specification filed herewith.
- ☐ application serial no. 0 / \_\_\_\_\_, filed \_\_\_\_\_.
- ☐ patent no. \_\_\_\_\_, issued \_\_\_\_\_.

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights in the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

\*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27).

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

☐ INDIVIDUAL    ☐ SMALL BUSINESS CONCERN    ☐ NONPROFIT ORGANIZATION

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

☐ INDIVIDUAL    ☐ SMALL BUSINESS CONCERN    ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small business entity is no longer appropriate. (37 CFR 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING \_\_\_\_\_ Thomas G. Robson

TITLE OF PERSON OTHER THAN OWNER \_\_\_\_\_ President

ADDRESS OF PERSON SIGNING \_\_\_\_\_ 21535 Hoover Road

Warren, MI 48089-3159

SIGNATURE  \_\_\_\_\_

Date Oct. 1, 1996

**COMBINED DECLARATION AND POWER OF ATTORNEY**

(ORIGINAL, DESIGN, NATIONAL STAGE OF PCT, SUPPLEMENTAL, DIVISIONAL,  
CONTINUATION OR C-I-P)

As a below named inventor, I hereby declare that:

**TYPE OF DECLARATION**

This declaration is of the following type: (check one applicable item below )

- ☐ original
- ☐ design
- ☐ supplemental

NOTE: If the declaration is for an International Application being filed as a divisional, continuation or continuation-in-part application, do not check next item; check appropriate one of last three items.

- ☐ national stage of PCT

NOTE: If one of the following 3 items apply, then complete and also attach ADDED PAGES FOR DIVISIONAL, CONTINUATION OR C-I-P.

- ☐ divisional
- ☐ continuation
- ☒ continuation-in-part (C-I-P)

**INVENTORSHIP IDENTIFICATION**

**WARNING:** If the inventors are each not the inventors of all the claims, an explanation of the facts, including the ownership of all the claims at the time the last claimed invention was made, should be submitted.

My residence, post office address and citizenship are as stated below next to my name. I believe I am the original, first and sole inventor (if only one name is listed below ) or an original, first and joint inventor (if plural names are listed below ) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**TITLE OF INVENTION**

ELECTRONIC ADJUSTABLE PEDAL ASSEMBLY

**SPECIFICATION IDENTIFICATION**

the specification of which: (complete (a), (b) or (c))

- (a) ☒ is attached hereto.
- (b) ☐ was filed on \_\_\_\_\_ as ☐ Serial No. 0 / \_\_\_\_\_  
or ☐ Express Mail No., as Serial No. not yet known \_\_\_\_\_  
and was amended on \_\_\_\_\_ (if applicable).

NOTE: Amendments filed after the original papers are deposited with the PTO which contain new matter are not accorded a filing date by being referred to in the declaration. Accordingly, the amendments involved are those filed with the application papers or, in the case of a supplemental declaration, are those amendments claiming matter not encompassed in the original statement of invention or claims. See 37 CFR 1.67.

- (c) ☐ was described and claimed in PCT International Application No. \_\_\_\_\_ filed on \_\_\_\_\_ and as amended under PCT Article 19 on \_\_\_\_\_ (if any).

**ACKNOWLEDGEMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR**

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information

- ☒ which is material to patentability as defined in 37, Code of Federal Regulations, § 1.56

*(also check the following items, if desired)*

- ☒ and which is material to the examination of this application, namely, information where there is a substantial likelihood that a reasonable examiner would consider it important in deciding whether to allow the application to issue as a patent, and

- ☒ In compliance with this duty, there is attached an information disclosure statement in accordance with 37 CFR 1.98.

**PRIORITY CLAIM (35 U.S.C. § 119)**

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed.

*(complete (d) or (e))*

- (d) ☒ no such applications have been filed.  
(e) ☐ such applications have been filed as follows.

NOTE: Where item (c) is entered above and the International Application which designated the U.S. itself claimed priority check item (e), enter the details below and make the priority claim.

**A. PRIOR FOREIGN/PCT APPLICATION(S) FILED WITHIN 12 MONTHS  
(6 MONTHS FOR DESIGN) PRIOR TO THIS APPLICATION  
AND ANY PRIORITY CLAIMS UNDER 35 U.S.C. § 119**

COUNTRY (OR INDICATE IF PCT)	APPLICATION NUMBER	DATE OF FILING (day, month, year)	PRIORITY CLAIMED UNDER 37 USC 119
			<input type="checkbox"/> YES    NO <input type="checkbox"/>
			<input type="checkbox"/> YES    NO <input type="checkbox"/>
			<input type="checkbox"/> YES    NO <input type="checkbox"/>
			<input type="checkbox"/> YES    NO <input type="checkbox"/>
			<input type="checkbox"/> YES    NO <input type="checkbox"/>

**ALL FOREIGN APPLICATION(S), IF ANY FILED MORE THAN 12 MONTHS  
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION**

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NOTE: If the application filed more than 12 months from the filing date of this application is a PCT filing forming the basis for this application entering the United States as (1) the national stage, or (2) a continuation, divisional, or continuation-in-part, then also complete ADDED PAGES TO COMBINED DECLARATION AND POWER OF ATTORNEY FOR DIVISIONAL, CONTINUATION OR C-I-P APPLICATION for benefit of the prior U.S. or PCT application(s) under 35 U.S.C. § 120.

**POWER OF ATTORNEY**

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. (List name and registration number)

Thomas N. Young, Reg. No. 20,985  
 Marshall G. MacFarlane, Reg. No. 30,403  
 Donald L. Wood, Reg. No. 20,014  
 David B. Ehrlinger, Reg. No. 17,298  
 Donna L. Berry, Reg. No. 36,451  
 Jason J. Young, Reg. No. 34,048

Warren D. Hill, Reg. No. 18,733  
 Gary A. Smith, Reg. No. 39,376  
 Amanda Conti Duhaime  
 Reg. No. 39,519

- ☐ Attached as part of this declaration and power of attorney is the authorization of the above-named attorney(s) to accept and follow instructions from my representative(s).

SEND CORRESPONDENCE TO  
Donald L. Wood  
Young & Basile  
3001 W. Big Beaver  
Suite 624  
Troy, MI 48084-3109

DIRECT TELEPHONE CALLS TO:  
(Name and telephone number)  
(810) 649-3333

Donald L. Wood

### DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

### SIGNATURE(S)

NOTE: Carefully indicate the family (or last) name as it should appear on the filing receipt and all other documents.

Full name of sole or first inventor

Christopher

(GIVEN NAME)

1-00

J.

(MIDDLE INITIAL OR NAME)

Rixon

(FAMILY (OR LAST NAME))

Inventor's signature

*Chris Rixon*

Date 10/2/96 Country of Citizenship Canada

Residence Tecumseh, Ontario, Canada CAX

Post Office Address 13200 Salich Court  
Tecumseh, Ontario N8N 4J7 Canada

Full name of second joint inventor, if any

Christopher

(GIVEN NAME)

2-00

(MIDDLE INITIAL OR NAME)

Bortolon

(FAMILY (OR LAST NAME))

Inventor's signature

*Ch. Bortolon*

Date 10/2/96 Country of Citizenship U.S.A.

Residence Clawson, Michigan MI

Post Office Address 352 Massiot Avenue  
Clawson, MI 48017

Full name of third joint inventor, if any

\_\_\_\_\_  
(GIVEN NAME) (MIDDLE INITIAL OR NAME) FAMILY (OR LAST NAME)  
Inventor's signature \_\_\_\_\_  
Date \_\_\_\_\_ Country of Citizenship \_\_\_\_\_  
Residence \_\_\_\_\_  
Post Office Address \_\_\_\_\_  
\_\_\_\_\_

CHECK PROPER BOX(ES) FOR ANY OF THE FOLLOWING ADDED PAGE(S) WHICH  
FORM A PART OF THIS DECLARATION

☐ Signature for fourth and subsequent joint inventors. Number of pages added  
\_\_\_\_\_

\* \* \*

☐ Signature by administrator(trix), executor(trix) or legal representative for de-  
ceased or incapacitated inventor. Number of pages added \_\_\_\_\_

\* \* \*

☐ Signature for inventor who refuses to sign or cannot be reached by person  
authorized under 37 CFR 1.47. Number of pages added \_\_\_\_\_

\* \* \*

☐ Added page for signature by one joint inventor on behalf of deceased inventor(s)  
where legal representative cannot be appointed in time (37 CFR 1.47).

\* \* \*

☒ Added pages to combined declaration and power of attorney for divisional,  
continuation, or continuation-in-part (C-I-P) application.

☐ Number of pages added 2

\* \* \*

☐ Authorization of attorney(s) to accept and follow instructions from representative.

\* \* \*

(If no further pages form a part of this Declaration, then end this Declaration with  
this page and check the following item:)

☐ This declaration ends with this page.

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**ADDED PAGE TO COMBINED DECLARATION AND POWER OF  
ATTORNEY FOR DIVISIONAL, CONTINUATION OR C-I-P APPLICATION**

*(complete this part only if this is a divisional, continuation or C-I-P application)*

**CLAIM FOR BENEFIT OF EARLIER U.S./PCT APPLICATION(S) UNDER  
35 U.S.C. 120**

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information that is material to the examination of this application, namely, information where there is substantial likelihood that a reasonable Examiner would consider it important in deciding whether to allow the application to issue as a patent, which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application.

PRIOR U.S. APPLICATIONS OR PCT INTERNATIONAL APPLICATIONS DESIGNATING THE U.S. FOR BENEFIT UNDER 35 USC 120:					
U.S. APPLICATIONS			Status (Check one)		
U.S. APPLICATIONS	U.S. FILING DATE	Patented	Pending	Abandoned	
1. 08/ 516,050	August 17, 1995		x		
2. 08/ 513,017	August 9, 1995		x		
3. 0 /					
PCT APPLICATIONS DESIGNATING THE U.S.					
PCT APPLI- CATION NO.	PCT FILING DATE	U.S. SERIAL NOS. ASSIGNED (if any)			
4. _____					
5. _____					
6. _____					

(Added Page to Combined Declaration and Power of Attorney for Divisional, Continuation or C-I-P Application [1-2.1]—page 1 of 2)



**35 USC 119 PRIORITY CLAIM, IF ANY, FOR ABOVE LISTED U.S./PCT APPLICATIONS**

ABOVE APPLICATION NO.	DETAILS OF FOREIGN APPLICATION FROM WHICH PRIORITY CLAIMED UNDER 35 USC 119		
	Country and Application No.	Date of filing (day, month, year)	Date of issue (day, month, year)
1.			
2.			
3.			
4.			
5.			
6.			